38TH CONGRESS,
2D SESSION.

S. R. 97.

IN THE SENATE OF THE UNITED STATES.

JANUARY 18, 1865.

Mr. HOWARD, from the Committee on Military Affairs and the Militia, reported the following joint resolution; which was read and passed to a second reading.

JOINT RESOLUTION

Advising retaliation for the cruel treatment of prisoners by the insurgents.

Whereas it has come to the knowledge of Congress that great numbers of our soldiers who have fallen as prisoners of war into the hands of the insurgents, have been subjected to treatment unexampled for cruelty in the history of civilized war, and finding its parallels only in the conduct of savage tribes; a treatment resulting in the death of multitudes by the slow, but designed process of starvation and by mortal diseases occasioned by insufficient and unhealthy food, by wanton exposure of their persons to the inclemency of the weather, and by deliberate assassination of innocent and unoffending men; and the murder in cold blood of prisoners after surrender; and whereas a continuance of these barbarities, in contempt of the laws of war and in disregard of the remonstrances of the national authorities, has presented to us the alternative of suffering our brave soldiers thus to be destroyed, or to apply the principle of retaliation for their protection: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That, in the judgment of Congress, it has become justifiable and necessary that the President should, in order to prevent the continuance and recurrence of such barbarities, and to insure the observance by the insurgents of the laws of civilized war, resort at once to measures of retaliation; that in our opinion such retaliation ought to be inflicted upon the insurgent officers now in our hands, or hereafter to fall into our hands as prisoners; that such officers ought to be subjected to like treatment practiced towards our officers or soldiers in the hands of the insurgents, in respect to quantity and quality of food, clothing, fuel, medicine, medical attendance, personal exposure, or other mode of dealing with them; that with a view to the same ends, the insurgent prisoners in our hands ought to be placed under the control and in the keeping of officers and men who have themselves been prisoners in the hands of the insurgents, and have thus acquired a knowledge of their mode of treating Union prisoners; that explicit instructions ought to be given to the forces having the charge of such insurgent prisoners, requiring them to carry out strictly and promptly the principles of this resolution in every case, until the President, having received satisfactory information of the abandonment by the insurgents of such barbarous practices, shall revoke or modify said instructions. Congress do not, however, intend by this resolution to

limit or restrict the power of the President to the modes or principles of retaliation herein mentioned, but only to advise a resort to them as demanded by the occasion.